

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO LOPEZ CORRAL,
Defendant.

Case No. CR20-120-RSM

ORDER DENYING MOTION TO
REDUCE SENTENCE

This matter comes before the Court on Defendant Corral's Motion to Reduce Sentence. Dkt. #305. Defendant moves for a reduction pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 821, Part B, Subpart 1 (Zero Point Offender) to the Sentencing Guidelines. *Id.* at 1. The Court has reviewed responsive briefing from the Government, Dkt. #308. No reply brief was filed by the deadline set by the Court. *See* Dkt. #307.

In November 2022, Defendant pleaded guilty to the crime of Conspiracy to Commit Money Laundering. Dkt. #215. Defendant admitted to his role as a money courier/depositor working within an international money laundering organization contracting with Mexico-based drug traffickers to move drug proceeds from locations in the United States across the border to Mexico. *Id.* Defendant admitted to his role of personally laundering more than \$250,000

1 himself, more than \$600,000 with his personal associates, in furtherance of these drug proceeds.

2 *Id.*

3 Applying the 2021 Edition of the Sentencing Guidelines, the Presentence Investigation
4 Report (“PSR”) calculated Defendant’s Total Offense Level as 27, after full credit for acceptance
5 of responsibility. *Id.* This calculation was based on the agreed upward adjustment due to more
6 than \$550,000 in drug proceeds being personally laundered or laundered by close associates, the
7 Defendant knowing or believing he laundered funds involving distribution of controlled
8 substances, and due to the specific offense pleaded. *Id.* The report calculated Defendant’s
9 applicable sentencing range as 70 to 87 months. *Id.* However, due to Defendant’s lack of
10 criminal history and his cooperation, Probation recommended a sentence of 30 months. *Id.*; Dkt.
11 #216.

12 At the sentencing hearing on February 10, 2023, this Court adopted the Sentencing
13 Guidelines calculations as stated in the PSR without change. The Court then went well below
14 the range and imposed a custodial sentence of 38 months. Dkt. #224. Defendant continues to
15 serve this sentence, with a BOP projected release date in August 2024.

16 Pursuant to 18 U.S.C. § 3582(c)(2), a district court has authority to reduce a defendant’s
17 sentence under certain limited circumstances:

18 [I]n the case of a defendant who has been sentenced to a term of
19 imprisonment based on a sentencing range that has subsequently
20 been lowered by the Sentencing Commission pursuant to 28 U.S.C.
21 994(o), upon motion of the defendant or the Director of the Bureau
22 of Prisons, or on its own motion, the court may reduce the term of
23 imprisonment, after considering the factors set forth in section
24 3553(a) to the extent that they are applicable, if such a reduction is
consistent with applicable policy statements issued by the
Sentencing Commission.

1 In Section 1B1.10 of the Guidelines, the Sentencing Commission has identified the amendments
 2 which may be applied retroactively pursuant to this authority, including the amendment below,
 3 and has articulated the policy and proper procedure for implementing those amendments.

4 In Part B, Subpart 1 to Amendment 821 to the Sentencing Guidelines, the Sentencing
 5 Commission added what now appears in Section 4A1.1(c), providing a two offense-level
 6 reduction for many offenders who present zero criminal history points. The new provision states:

7 Adjustment for Certain Zero-Point Offenders

8 (a) ADJUSTMENT.— If the defendant meets all of the following
 criteria:

- 9 (1) the defendant did not receive any criminal history points from
 10 Chapter Four, Part A;
 11 (2) the defendant did not receive an adjustment under §3A1.4
 (Terrorism);
 12 (3) the defendant did not use violence or credible threats of violence
 in connection with the offense;
 13 (4) the offense did not result in death or serious bodily injury;
 14 (5) the instant offense of conviction is not a sex offense;
 15 (6) the defendant did not personally cause substantial financial
 hardship;
 16 (7) the defendant did not possess, receive, purchase, transport,
 transfer, sell, or otherwise dispose of a firearm or other dangerous
 17 weapon (or induce another participant to do so) in connection with
 the offense;
 18 (8) the instant offense of conviction is not covered by §2H1.1
 (Offenses Involving Individual Rights);
 19 (9) the defendant did not receive an adjustment under §3A1.1 (Hate
 Crime Motivation or Vulnerable Victim) or §3A1.5 (Serious Human
 Rights Offense); and
 20 (10) the defendant did not receive an adjustment under §3B1.1
 (Aggravating Role) and was not engaged in a continuing criminal
 enterprise, as defined in 21 U.S.C. § 848;


21 decrease the offense level determined under Chapters Two and
 22 Three by 2 levels.

23 U.S.S.G. § 4C1.1. On August 24, 2023, the Commission decreed that this change applies
 24 retroactively.

1 The Court agrees with the Government that Defendant does not qualify for this two-level
2 reduction to his sentence because his original sentence is below both his original offense level of
3 27's recommended sentencing range of 70 to 87 months and the two-level reduced range of level
4 25's 57 to 71 months. The Court is unsure why Defendant argues in his Motion that his original
5 offense level was only 21 with an original resulting guideline range of 37 to 46 months that
6 should be reduced to a Level 19 range of 30 to 37 months. *See* Dkt. #305. Though Probation
7 recommended a 30-month sentence, Defendant's Total Offense Level was calculated as 27 with
8 a Criminal History Category of I. *See* Dkt. #216. As such, Defendant's requested reduction, at
9 best, would result in a lowest-recommended sentence of 57 months. Even considering the §
10 3553(a) factors, which this Court accounted for in its original sentencing, this Court's sentence
11 of 38 months falls well below the recommended ranges applicable to Defendant. Accordingly,
12 Amendment 821's retroactive Zero Point Offender amendment does not reduce Defendant's
13 sentencing range, and his motion is denied.

14 Having considered Defendant's Motion, the Government's Response, and the remainder
15 of the record, the Court hereby finds and ORDERS that Defendant's Motion to Reduce Sentence
16 Pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 821, Dkt. #305, is DENIED.

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18 DATED this 5th day of April, 2024.

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21 RICARDO S. MARTINEZ
22 UNITED STATES DISTRICT JUDGE
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